

## Message Text

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NEA:AATHERTON  
USUN:WWSCRANTON  
(USUN RECOMMENDATIONS)  
S/S:RPERITO  
S:;COLLUMS

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FM SECSTATE WASHDC  
TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 291571 TOSEC 310279

EXDIS

E.O. 11652: GDS

TAGS: PFOR, UN, XF

SUBJECT: ACTION MEMORANDUM -- UNGA RESOLUTION ON ISRAELI  
PRACTICES IN THE OCCUPIED TERRITORIES (S/S 7624641 )

FOR THE SECRETARY FROM IO/LEWIS AND NEA/ATHERTON THROUGH  
HABIB

PROBLEM

TWO RESOLUTIONS HAVE JUST BEEN TABLED IN THE UNGA SPECIAL  
POLITICAL COMMITTEE, RELATING TO ISRAEL'S SETTLEMENT  
PRACTICES AND DESTRUCTION OF QUNEITRA, THAT ARE SUFFICIENTLY  
CONTROVERSIAL AS TO REQUIRE YOUR VOTING INSTRUCTIONS. A  
VOTE IS SCHEDULED FOR WEDNESDAY, DECEMBER 1.

BACKGROUND/ANALYSIS  
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FOUR RESOLUTIONS HAVE EMERGED FROM THE UNGA ITEM UNDER  
WHICH ISRAEL'S PRACTICES IN THE OCCUPIED TERRITORIES ARE  
ANNUALLY ATTACKED. TWO ARE VIRTUALLY IDENTICAL TO LAST  
YEAR: A REAFFIRMATION OF THE APPLICABILITY OF THE FOURTH

GENEVA CONVENTION TO THE OCCUPIED TERRITORIES, WHICH WE TRADITIONALLY VOTE FOR, AND AN OMNIBUS RESOLUTION CONDEMNING ISRAEL ACROSS THE BOARD, WHICH WE INTEND TO VOTE AGAINST.

A. THE ISRAELI SETTLEMENTS RESOLUTION

FOR THE FIRST TIME IN THIS FORUM, A RESOLUTION HAS BEEN INTRODUCED DIRECTED PRIMARILY AT ISRAELI SETTLEMENT POLICIES (TEXT AT ATTACHMENT 1). THE LANGUAGE IS DRAWN LARGELY FROM THE NOVEMBER 11 SECURITY COUNCIL CONSENSUS STATEMENT ON THE OCCUPIED TERRITORIES (ATTACHMENT 2), WITH ONE CRITICAL DIFFERENCE: THE WORD "RESCIND" IN OPERATIVE PARAGRAPH 4 APPLIES TO MEASURES IN ALL THE OCCUPIED TERRITORIES, NOT JUST JERUSALEM. WE ASKED THE EGYPTIANS IN NEW YORK TO TRY TO PREVENT THIS RESOLUTION FROM BEING PUT FORWARD, POINTING OUT THAT IT WOULD TEND TO DIMINISH THE ACTION OF THE SECURITY COUNCIL. THE EGYPTIANS SEEM TO HAVE MADE SOME EFFORT TO ACCOMMODATE US, BUT HAVE RUN INTO SOLID ARAB INSISTENCE THAT THEIR COUNCIL VICTORY BE REPEATED IN THE ASSEMBLY.

LAST MAY, THE ARABS DEVELOPED A DRAFT CONSENSUS STATEMENT IN THE SECURITY COUNCIL SIMILAR TO THE PRESENT GA DRAFT RESOLUTION. IN THAT CASE, WE PERMITTED A MAJORITY STATEMENT BUT REFUSED TO JOIN IN A CONSENSUS -- IN EFFECT AN ABSTENTION. THUS CONSISTENCY WITH RESPECT TO LANGUAGE OF THE DRAFT RESOLUTION WOULD ARGUE FOR AN ABSTENTION IN THIS CASE. MOREOVER, THE ARABS MAY WELL PROMPT THE PRESS TO FIND AN INCONSISTENCY IF WE VOTE NO, AND WOULD IMPLY THAT THE CHANGE WAS DUE TO ISRAELI DISPLEASURE AT OUR AGREEMENT TO THE SECURITY COUNCIL CONSENSUS STATEMENT.

THERE IS, HOWEVER, A CASE TO BE MADE FOR VOTING NO. THE ARABS ARE, IN EFFECT, TRYING TO GET THE ASSEMBLY TO ALTER A SECURITY COUNCIL CONSENSUS STATEMENT, AND WE HAVE TWICE WARNED THE EGYPTIANS THAT WE REGARD THIS AS POOR CONFIDENTIAL

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JUDGMENT IN THAT IT TENDS TO DIMINISH THE SIGNIFICANCE OF COUNCIL ACTION. A NO VOTE ACCOMPANIED BY A STATEMENT THAT WE STAND BY OUR POSITION IN THE COUNCIL BUT OPPOSE ANY EFFORT TO ALTER OR AMEND THAT POSITION WOULD UNDERLINE THIS VIEW. IT WOULD SIGNAL TO THE ARABS THAT WE DO NOT WELCOME THEIR USE OF THE UN FORUM TO CONSTANTLY HARASS US ON ISSUES THEY KNOW FULL WELL CAN ONLY BE SETTLED THROUGH NEGOTIATIONS BETWEEN THE PARTIES.

B. THE QUNEITRA RESOLUTION

THE PAST TWO ASSEMBLIES ADOPTED RESOLUTIONS STRONGLY CRITICAL OF ISRAEL FOR ITS DESTRUCTION OF QUNEITRA FOLLOWING THE GOLAN DISENGAGEMENT AGREEMENT. WE

ABSTAINED BOTH TIMES. THIS YEAR'S RESOLUTION (ATTACHMENT 3) TAKES NOTE OF A REPORT ON THE EXTENT OF DAMAGE IN QUNEITRA SUBMITTED BY A SWISS EXPERT ENGAGED BY THE UN

SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES. THE RESOLUTION ASSERTS, FOR THE FIRST TIME, THAT SYRIA "IS ENTITLED TO FULL AND ADEQUATE COMPENSATION...FOR THE MASSIVE DAMAGES AND DELIBERATE DESTRUCTION..." OF QUNEITRA.

ISRAELI DESTRUCTION OF QUNEITRA IS OF COURSE DOCUMENTED, THOUGH THE EXTENT AND VALUE OF DAMAGE SEEM TO HAVE BEEN EXAGGERATED IN THE REPORT TO THE UN. THE MAIN PROBLEM WITH THE RESOLUTION IS ITS ASSERTION OF AN UNQUALIFIED RIGHT BY SYRIA TO COMPENSATION, OUTSIDE THE CONTEXT OF A NEGOTIATED SETTLEMENT. ONE WAY TO HANDLE THIS WOULD BE TO SAY IN AN EXPLANATION OF VOTE THAT WE REGARD SYRIAN COMPENSATION FOR DAMAGE DONE TO QUNEITRA AS ONE OF THE CLAIMS AND COUNTER-CLAIMS THAT MUST BE RESOLVED IN NEGOTIATIONS TOWARD AN OVERALL SETTLEMENT.

WE EXPECT MOST WESTERN EUROPEANS TO VOTE FOR THE SETTLEMENTS RESOLUTION AND ABSTAIN ON THE QUNEITRA RESOLUTION. THE ISRAELIS OPPOSE BOTH RESOLUTIONS, BUT HAVE NOT ASKED US TO VOTE AGAINST THEM SO FAR.

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#### RECOMMENDATIONS

IO RECOMMENDS THAT WE VOTE AGAINST THE SETTLEMENTS RESOLUTION INDICATING THAT WE CONSIDER IT INAPPROPRIATE TO TRANSFER RESOLUTIONS FROM THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY, AND NOTING THE SUBSTANTIVE DIFFERENCE BETWEEN THE CONSENSUS STATEMENTS WHICH WE CONTINUE TO STAND BY, AND THE RESOLUTION.

APPROVE - - -

DISAPPROVE

NEA AND USUN RECOMMEND THAT WE ABSTAIN, ALSO WITH AN EXPLANATION OF VOTE. NEA AND USUN BELIEVE WF SHOULD ABSTAIN ON THE SETTLEMENTS RESOLUTION BECAUSE THE THRUST OF THE RESOLUTION COINCIDES IN VERY LARGE MEASURE WITH THE US POSITION. TO VOTE NO WOULD BE MISLEADING TO THE ARABS AND TO ISRAELIS--IT COULD IN PARTICULAR LEAD THE LATTER TO CONCLUDE THAT THERE IS A CHANGE IN OUR POSITION ON THE SETTLEMENTS WHERE NO CHANGE IN FACT EXISTS.

APPROVE

DISAPPROVE

THAT WE ABSTAIN ON THE QUNEITRA RESOLUTION (IO, NEA, USUN) WITH AN EXPLANATION OF VOTE RELATING TO COMPENSATION ALONG THE LINES OUTLINED ABOVE.

APPROVE

DISAPPROVE

ALTERNATIVELY, THAT WE VOTE AGAINST THE QUNEITRA RESOLUTION, ALSO WITH AN EXPLANATION OF VOTE.

APPROVE

DISAPPROVE

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IO, NEA AND USUN DO NOT RECOMMEND THAT WE VOTE IN FAVOR OF EITHER OF THESE TWO RESOLUTIONS.

ATTACHMENTS:

1. DRAFT RESOLUTION ON ISRAELI SETTLEMENTS.
2. SC CONSENSUS STATEMENT OF NOVEMBER 11.
3. DRAFT RESOLUTION ON QUNEITRA.

DRAFTED: IO/UNP:JPLORENZ; CLEARED S/S: ;  
S: ; USUN:GOV. SCRANTON (RECOMMENDATIONS)

FOLLOWING IS ATTACHMENT 1 -- DRAFT RESOLUTION ON ISRAELI SETTLEMENTS.

THE GENERAL ASSEMBLY,  
GUIDED BY THE PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS, IN PARTICULAR THE PRINCIPLES OF SOVEREIGNTY AND TERRITORIAL INTEGRITY,

BEARING IN MIND THE RULES OF INTERNATIONAL LAW CONCERNING OCCUPATION, IN PARTICULAR THE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, OF 12 AUGUST 1949,

1. STRONGLY DEPLORES THE MEASURES TAKEN BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES THAT ALTER THEIR DEMOGRAPHIC COMPOSITION OR GEOGRAPHICAL NATURE, AND PARTICULARLY THE ESTABLISHMENT OF SETTLEMENTS;
2. DECLARES THAT SUCH MEASURES HAVE NO LEGAL VALIDITY AND CANNOT PREJUDICE THE OUTCOME OF THE SEARCH FOR THE ESTABLISHMENT OF PEACE, AND CONSIDERS THAT SUCH MEASURES

CONSTITUTE AN OBSTACLE TO THE ACHIEVEMENT OF A JUST  
AND LASTING PEACE IN THE AREA;

3. DECLARES FURTHER THAT ALL LEGISLATIVE AND ADMINIS-  
TRATIVE MEASURES TAKEN BY ISRAEL, INCLUDING THE EX-  
PROPRIATION OF LAND AND PROPERTIES THEREON AND THE  
TRANSFER OF POPULATIONS, WHICH PURPORT TO CHANGE THE  
LEGAL STATUS OF JERUSALEM ARE INVALID AND CANNOT CHANGE  
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THAT STATUS;

4. URGENTLY CALLS ONCE MORE UPON ISRAEL TO RESCIND ALL  
THOSE MEASURES AND TO DESIST FORTHWITH FROM TAKING ANY  
FURTHER MEASURES WHICH TENDS TO CHANGE THE DEMOGRAPHIC  
COMPOSITION, GEOGRAPHICAL NATURE OR STATUS OF THE  
OCCUPIED ARAB TERRITORIES OR ANY PART THEREOF, INCLUDING  
JERUSALEM.

FOLLOWING IS ATTACHMENT 2 -- SC CONSENSUS STATEMENT OF  
NOVEMBER 11.

"FOLLOWING THE REQUEST SUBMITTED BY EGYPT ON 20 OCTOBER  
1976, THE SECURITY COUNCIL HELD FOUR MEETINGS BETWEEN 1  
NOVEMBER AND 11 NOVEMBER 1976 TO CONSIDER THE SITUATION  
IN THE OCCUPIED ARAB TERRITORIES, WITH THE PARTICIPATION  
OF THE REPRESENTATIVE OF THE PALESTINE LIBERATION  
ORGANIZATION. AFTER CONSULTING ALL THE MEMBERS, THE  
PRESIDENT OF THE COUNCIL STATES THAT THE COUNCIL HAS  
AGREED ON THE FOLLOWING:

"(1) TO EXPRESS ITS GRAVE ANXIETY AND CONCERN OVER THE  
PRESENT SERIOUS SITUATION IN THE OCCUPIED ARAB TERRITORIES  
AS A RESULT OF CONTINUED ISRAELI OCCUPATION;

"(2) REAFFIRMATION OF ITS CALL UPON THE GOVERNMENT OF  
ISRAEL TO ENSURE THE SAFETY, WELFARE AND SECURITY OF THE  
INHABITANTS OF THE TERRITORIES AND TO FACILITATE THE  
RETURN OF THOSE INHABITANTS WHO HAVE FLED THE AREAS SINCE  
THE OUTBREAK OF HOSTILITIES;

"(3) ITS REAFFIRMATION THAT THE FOURTH GENEVA CONVENTION  
RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME  
OF WAR IS APPLICABLE TO THE ARAB TERRITORIES OCCUPIED  
BY ISRAEL SINCE 1967. THEREFORE, THE OCCUPYING POWER IS  
CALLED UPON ONCE AGAIN TO COMPLY STRICTLY WITH THE PRO-  
VISIONS OF THAT CONVENTION AND TO REFRAIN FROM ANY  
MEASURE THAT VIOLATES THEM. IN THIS REGARD THE MEASURES  
TAKEN BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES THAT  
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ALTER THEIR DEMOGRAPHIC COMPOSITION OR GEOGRAPHICAL NATURE AND PARTICULARLY THE ESTABLISHMENT OF SETTLEMENTS ARE ACCORDINGLY STRONGLY DEPLORED. SUCH MEASURES WHICH HAVE NO LEGAL VALIDITY AND CANNOT PREJUDICE THE OUTCOME OF THE SEARCH FOR THE ESTABLISHMENT OF PEACE CONSTITUTE AN OBSTACLE TO PEACE;

"(4) IT CONSIDERS ONCE MORE THAT ALL LEGISLATIVE AND ADMINISTRATIVE MEASURES AND ACTIONS TAKEN BY ISRAEL, INCLUDING EXPROPRIATION OF LAND AND PROPERTIES THEREON AND THE TRANSFER OF POPULATIONS WHICH TEND TO CHANGE THE

LEGAL STATUS OF JERUSALEM, ARE INVALID AND CANNOT CHANGE THAT STATUS, AND URGENTLY CALLS UPON ISRAEL ONCE MORE TO RESCIND ALL SUCH MEASURES ALREADY TAKEN AND TO DESIST FORTHWITH FROM TAKING ANY FURTHER ACTION WHICH TENDS TO CHANGE THE STATUS OF JERUSALEM. IN THIS CONNECTION THE COUNCIL DEPLORES THE FAILURE OF ISRAEL TO SHOW ANY REGARD FOR SECURITY COUNCIL RESOLUTIONS 237 (1967) OF 14 JUNE 1967, 252 (1968) OF 21 MAY 1968 AND 298 (1971) OF 25 SEPTEMBER 1971 AND GENERAL ASSEMBLY RESOLUTIONS 2253 (ES-V) AND 2254 (ES-V) OF 4 AND 14 JULY 1967;

"(5) ITS RECOGNITION THAT ANY ACT OF PROFANATION OF THE HOLY PLACES, RELIGIOUS BUILDINGS AND SITES OR ANY ENCOURAGEMENT OF, OR CONNIVANCE AT, ANY SUCH ACT MAY SERIOUSLY ENDANGER INTERNATIONAL PEACE AND SECURITY.

"THE COUNCIL DECIDES TO KEEP THE SITUATION UNDER CONSTANT ATTENTION, WITH A VIEW TO MEETING AGAIN SHOULD CIRCUMSTANCES REQUIRE."

FOLLOWING IS ATTACHMENT 3 -- DRAFT RESOLUTION ON QUNEITRA.

THE GENERAL ASSEMBLY,  
RECALLING ITS RESOLUTIONS 3240 C (XXIX) OF 29 NOVEMBER 1974 AND 3525 C (XXX) OF 15 DECEMBER 1975,

HAVING CONSIDERED THE REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES, IN PARTI-  
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CULAR SECTION V THEREOF, ENTITLED "QUNEITRA", AND ANNEX III THERETO BEING A REPORT SUBMITTED BY A SWISS EXPERT ENGAGED BY THE SPECIAL COMMITTEE AND ENTITLED "QUNEITRA: REPORT ON NATURE, EXTENT AND VALUE OF DAMAGE",

TAKING NOTE OF THE FINDINGS OF THE EXPERT ENGAGED BY THE SPECIAL COMMITTEE, TO THE EFFECT THAT, OF A TOTAL OF 4,180 DAMAGED STRUCTURES SURVEYED IN QUNEITRA, 4,088

STRUCTURES HAD BEEN DESTROYED BY "DELIBERATE ACTION",

1. EXPRESSES ITS APPRECIATION OF THE THOROUGHNESS AND IMPARTIALITY WITH WHICH THE EXPERT ENGAGED BY THE SPECIAL COMMITTEE DISCHARGED THE TASKS ENTRUSTED TO HIM;

2. CONDEMNS THE MASSIVE, DELIBERATE DESTRUCTION OF QUNEITRA PERPETRATED DURING ISRAELI OCCUPATION AND PRIOR TO THE WITHDRAWAL OF ISRAELI FORCES FROM THAT CITY IN 1974;

3. RECOGNIZES THAT THE SYRIAN ARAB REPUBLIC IS ENTITLED TO FULL AND ADEQUATE COMPENSATION, UNDER INTERNATIONAL LAW AND IN EQUITY, FOR THE MASSIVE DAMAGES AND DELIBERATE DESTRUCTION PERPETRATED IN QUNEITRA WHILE IT WAS UNDER ISRAELI OCCUPATION, AND TO ALL OTHER LEGAL REMEDIES IN ACCORDANCE WITH APPLICABLE INTERNATIONAL LAW AND PRACTICE;

4. TAKES NOTE OF THE DECLARATION MADE BY THE REPRESENTATIVE OF THE SYRIAN ARAB REPUBLIC BEFORE THE SPECIAL POLITICAL COMMITTEE TO THE EFFECT THAT HIS GOVERNMENT RESERVES ALL RIGHTS TO FULL COMPENSATION IN REGARD TO ANY OTHER CLAIMS OR DAMAGES RESULTING FROM THE ISRAELI DELIBERATE DESTRUCTION OF QUNEITRA, NOT COVERED BY THE EXPERT'S ABOVE-MENTIONED REPORT OR NOT FALLING WITHIN THE SCOPE OF HIS ASSIGNMENT.

DRAFTED:IO/UNP:JPLORENZ

APPROVED:P:PCHABIB

CLEARED:IO:SWLEWIS

S/S:RPERITO

S:HCOLLUMS

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NEA:AATHERTON

USUN:WWSCRANTON (USUN RECOMMENDATIONS)

ROBINSON

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<< END OF DOCUMENT >>

## Message Attributes

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